

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

GILBERT PHILIP CASTILLO, JR.,
et al.,

Defendants.

NO. C06-2540 TEH

ORDER DENYING MOTION FOR
RECONSIDERATION RE: *IN FORMA*
PAUPERIS APPLICATION

On July 14, 2007, Defendant Gilbert Castillo, Jr. filed a motion for reconsideration of this Court's denial of his application to proceed *in forma pauperis*. Castillo failed to follow the procedures set forth in Civil Local Rule 7-9 for filing motions for reconsideration, but the Court nonetheless reviewed Castillo's request for reconsideration. Castillo now asserts that he earns \$2499 monthly. Even considering Castillo's living expenses and outstanding debt, the Court still does not find good cause to grant Castillo's request to proceed *in forma pauperis*. Accordingly, Castillo's motion for reconsideration is DENIED, and he may not proceed *in forma pauperis* in this action. Any further requests for reconsideration must comply with Civil Local Rule 7-9.


In addition, Castillo's request for appointment of counsel is DENIED. Castillo has failed to make the necessary threshold showing that he is indigent, and he has also failed to persuade the Court that due process requires appointment of counsel in this civil case.

Finally, Castillo's request to seal his application to proceed *in forma pauperis* is DENIED. Castillo has not demonstrated that the information contained in his application is "entitled to protection under the law." Civ. L.R. 79-5(a). To the contrary, *in forma pauperis*

1 applications are routinely filed in the public record in this district, and Castillo's application
2 does not contain any of the prohibited information listed in Civil Local Rule 3-17(a).¹

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4 **IT IS SO ORDERED.**

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6 Dated: 07/18/07



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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27 ¹Moreover, even if the application contained such information, including complete
28 social security numbers or financial account numbers, the proper course of action would be
to redact such information from the filing in the public record, rather than sealing the entire
filing. Civ. L.R. 3-17(a).